



COMMISSIONER'S LEGISLATIVE REVIEW

A Summary of 2009 IDOC Agency Legislation

Although this was a very rough legislative session for fiscal reasons, I am pleased to announce that the following measures will become Indiana law upon July 1, 2009. The fact that this Agency was able to navigate these large measures through a budget year of the Indiana General Assembly is a sure testament to the hard work that each and every one of you put forth. I am excited that these provisions will assist the operations of our facilities and assist our loved ones in the time of need. Ultimately I am most proud to be working alongside dedicated correctional professionals who contribute to public safety for the State of Indiana.

INDIANA, aspiring to be The National Model for Corrections!!!

SB0223 Various Corrections and Criminal Matters

Author: Senator Mike Young and Sen. Jim Arnold

Sponsor: Rep. Tincher and Rep. Tom Dermody

I.) Makes trafficking with an inmate (which is, without enhancement, a Class A misdemeanor) a Class C felony if the item trafficked is a cellular telephone.

II.) Makes it a Class A misdemeanor if a person possesses in or carries into a penal facility or a juvenile facility a controlled substance or a deadly weapon.

III.) Provides that an offender who has filed at least three civil actions that have been dismissed as frivolous may not file a new complaint or petition as an indigent person unless the offender is in immediate danger of serious bodily injury.

IV.) Requires the sentencing policy study committee to evaluate whether the state should pay all costs of trial in a prosecution for an offense committed at a state correctional facility.

SB0244 Offender Reentry Administrative Account

Author: Senator Mike Young

Sponsor: Rep. Linda Lawson and Rep. Phil Hinkle

I.) Requires the Department of Correction (DOC) to provide certain inmates who earn income in the DOC with an offender reentry administrative account (OEAA).

II.) Requires that between 10% and 20% of an eligible inmate's earnings be deposited in an OEAA.

III.) Requires the DOC to issue an inmate a check for the balance in the inmate's OEAA when the inmate is released or discharged from incarceration by the DOC.



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HB 1132 Department of Correction and Police Powers

Author: Rep. Linda Lawson

Sponsor: Sen. Jim Arnold and Sen. Tom Wyss

I.) Authorizes the Commissioner of the Department of Correction to appoint certain individuals as correctional police officers.

Requires a correctional police officer to complete a pre-basic training course approved by the law enforcement training board and any other training course established by the Department of Correction in conjunction with the law enforcement training board.

Grants correctional police officers police powers, but only:

- (1) in connection with offenses committed on the property of the Department of Correction;
- (2) in connection with an offense involving an offender who is committed to the Department;
- (3) in connection with an offense committed in the presence of an officer; or
- (4) while assisting another law enforcement officer who has requested the assistance of the correctional police officer.

II.) Establishes the correctional peace officer's fund to provide monetary assistance, including tuition assistance, to a correctional employee or to a member of the family of a correctional employee. Specifies that the fund consists of:

- (1) grants;
- (2) donations;
- (3) employee contributions; and
- (4) appropriations made to the fund; and that monetary assistance may be paid from the fund to a correctional employee or to a member of the family of a correctional employee if the employee or employee's family member attends a postsecondary educational institution, the employee suffers a loss as the result of a natural disaster, or the employee is killed or injured in the line of duty.

III.) Prohibits an owner or agent of a store from asking a person to make a statement that acknowledges that the person shoplifted in the store or waives any of the person's legal rights if:

- (1) the person is less than 18 years of age; and
- (2) the person has not been afforded meaningful consultation with his or her parent, guardian, custodian, or guardian ad litem.